

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GERBER FINANCE, INC.,

Plaintiff,

-against-

VOLUME SNACKS INC., TRACY
FREEMAN, and DENISE O'BRIEN,

Defendants.

21-cv-507 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

Defendant Volume Snacks, Inc., doing business as DeRosa Sales, entered into a lending agreement with Gerber Finance, Inc. ("Gerber"). Defendants Tracy Freeman and Denise O'Brien, the co-owners of DeRosa Sales, guaranteed the loans made under the lending agreement. After DeRosa Sales allegedly defaulted on the loan, Gerber sued DeRosa Sales, Freeman, and O'Brien for breach of contract and breach of guaranty. Defendants then counterclaimed for breach of contract, promissory estoppel, breach of fiduciary duty, and economic duress.

Before the Court is plaintiff's motion to dismiss the amended counterclaims. Upon consideration, the Court grants the motion to dismiss. An opinion explaining the reasons for this ruling will follow in due course.

SO ORDERED.

Dated: New York, NY
July 7, 2021


JED S. RAKOFF, U.S.D.J.